

1                                    AMENDMENT TO HOUSE BILL 2905

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2905 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Property Tax Code is amended by changing  
5 Sections 21-15, 21-20, and 21-25 as follows:

6            (35 ILCS 200/21-15)

7            Sec. 21-15. General tax due dates; default by mortgage  
8 lender. Except as otherwise provided in this Section or  
9 Section 21-40, all property upon which the first installment  
10 of taxes remains unpaid on June 1 annually shall be deemed  
11 delinquent and shall bear interest after June 1 at the rate  
12 of 1 1/2% per month or portion thereof. Except as otherwise  
13 provided in this Section or Section 21-40, all property upon  
14 which the second installment of taxes remains due and unpaid  
15 on September 1, annually, shall be deemed delinquent and  
16 shall bear interest after September 1 at the same interest  
17 rate. All interest collected shall be paid into the general  
18 fund of the county. Payment received by mail and postmarked  
19 on or before the required due date is not delinquent.

20            Property not subject to the interest charge in Section  
21 9-265 shall also not be subject to the interest charge  
22 imposed by this Section until such time as the owner of the

1 property receives actual notice of and is billed for the  
2 principal amount of back taxes due and owing.

3 If an Illinois resident who is a member of the Illinois  
4 National Guard or a reserve component of the armed forces of  
5 the United States and who has an ownership interest in  
6 property taxed under this Act is called to active duty for  
7 deployment outside the continental United States and is on  
8 active duty on the due date of any installment of taxes due  
9 under this Act, he or she shall not be deemed delinquent in  
10 the payment of the installment and no interest shall accrue  
11 or be charged as a penalty on the installment until one year  
12 30-days after that member returns from active duty. To be  
13 deemed not delinquent in the payment of an installment of  
14 taxes and any interest on that installment, the reservist or  
15 guardsperson must notify the county clerk within 30 days  
16 after his or her deactivation and provide verification of the  
17 date of his or her deactivation. An installment of property  
18 taxes on the property of any reservist or guardsperson who  
19 fails to provide timely notice and verification of  
20 deactivation to the county clerk is subject to interest and  
21 penalties as delinquent taxes under this Code from the date  
22 of deactivation.

23 Notwithstanding any other provision of law, when any  
24 unpaid taxes become delinquent under this Section through the  
25 fault of the mortgage lender, (i) the interest assessed under  
26 this Section for delinquent taxes shall be charged against  
27 the mortgage lender and not the mortgagor and (ii) the  
28 mortgage lender shall pay the taxes, redeem the property and  
29 take all necessary steps to remove any liens accruing against  
30 the property because of the delinquency. In the event that  
31 more than one entity meets the definition of mortgage lender  
32 with respect to any mortgage, the interest shall be assessed  
33 against the mortgage lender responsible for servicing the  
34 mortgage. Unpaid taxes shall be deemed delinquent through

1 the fault of the mortgage lender only if: (a) the mortgage  
2 lender has received all payments due the mortgage lender for  
3 the property being taxed under the written terms of the  
4 mortgage or promissory note secured by the mortgage, (b) the  
5 mortgage lender holds funds in escrow to pay the taxes, and  
6 (c) the funds are sufficient to pay the taxes after deducting  
7 all amounts reasonably anticipated to become due for all  
8 hazard insurance premiums and mortgage insurance premiums and  
9 any other assessments to be paid from the escrow under the  
10 terms of the mortgage. For purposes of this Section, an  
11 amount is reasonably anticipated to become due if it is  
12 payable within 12 months from the time of determining the  
13 sufficiency of funds held in escrow. Unpaid taxes shall not  
14 be deemed delinquent through the fault of the mortgage lender  
15 if the mortgage lender was directed in writing by the  
16 mortgagor not to pay the property taxes, or if the failure to  
17 pay the taxes when due resulted from inadequate or inaccurate  
18 parcel information provided by the mortgagor, a title or  
19 abstract company, or by the agency or unit of government  
20 assessing the tax.

21 (Source: P.A. 90-336, eff. 1-1-98; 90-575, eff. 3-20-98;  
22 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

23 (35 ILCS 200/21-20)

24 Sec. 21-20. Due dates; accelerated billing in counties  
25 of less than 3,000,000. Except as otherwise provided in  
26 Section 21-40, in counties with less than 3,000,000  
27 inhabitants in which the accelerated method of billing and  
28 paying taxes provided for in Section 21-30 is in effect, the  
29 estimated first installment of unpaid taxes shall be deemed  
30 delinquent and shall bear interest after a date not later  
31 than June 1 annually as provided for in the ordinance or  
32 resolution of the county board adopting the accelerated  
33 method, at the rate of 1 1/2% per month or portion thereof

1 until paid or forfeited. The second installment of unpaid  
 2 taxes shall be deemed delinquent and shall bear interest  
 3 after August 1 annually at the same interest rate until paid  
 4 or forfeited. Payment received by mail and postmarked on or  
 5 before the required due date is not delinquent.

6 If an Illinois resident who is a member of the Illinois  
 7 National Guard or a reserve component of the armed forces of  
 8 the United States and who has an ownership interest in  
 9 property taxed under this Act is called to active duty for  
 10 deployment outside the continental United States and is on  
 11 active duty on the due date of any installment of taxes due  
 12 under this Act, he or she shall not be deemed delinquent in  
 13 the payment of the installment and no interest shall accrue  
 14 or be charged as a penalty on the installment until one year  
 15 30-days after that member returns from active duty. To be  
 16 deemed not delinquent in the payment of an installment of  
 17 taxes and any interest on that installment, the reservist or  
 18 guardsperson must notify the county clerk within 30 days  
 19 after his or her deactivation and provide verification of the  
 20 date of his or her deactivation. An installment of property  
 21 taxes on the property of any reservist or guardsperson who  
 22 fails to provide timely notice and verification of  
 23 deactivation to the county clerk is subject to interest and  
 24 penalties as delinquent taxes under this Code from the date  
 25 of deactivation.

26 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

27 (35 ILCS 200/21-25)

28 Sec. 21-25. Due dates; accelerated billing in counties  
 29 of 3,000,000 or more. Except as hereinafter provided and as  
 30 provided in Section 21-40, in counties with 3,000,000 or more  
 31 inhabitants in which the accelerated method of billing and  
 32 paying taxes provided for in Section 21-30 is in effect, the  
 33 estimated first installment of unpaid taxes shall be deemed

1 delinquent and shall bear interest after March 1 at the rate  
2 of 1 1/2% per month or portion thereof until paid or  
3 forfeited. The second installment of unpaid taxes shall be  
4 deemed delinquent and shall bear interest after August 1  
5 annually at the same interest rate until paid or forfeited.

6 If the county board elects by ordinance adopted prior to  
7 July 1 of a levy year to provide for taxes to be paid in 4  
8 installments, each installment for that levy year and each  
9 subsequent year shall be deemed delinquent and shall begin to  
10 bear interest 30 days after the date specified by the  
11 ordinance for mailing bills, at the rate of 1 1/2% per month  
12 or portion thereof, until paid or forfeited.

13 Payment received by mail and postmarked on or before the  
14 required due date is not delinquent.

15 Taxes levied on homestead property in which a member of  
16 the National Guard or reserves of the armed forces of the  
17 United States who was called to active duty on or after  
18 August 1, 1990, and who has an ownership interest, shall not  
19 be deemed delinquent and no interest shall accrue or be  
20 charged as a penalty on such taxes due and payable in 1991 or  
21 1992 until one year after that member returns to civilian  
22 status.

23 If an Illinois resident who is a member of the Illinois  
24 National Guard or a reserve component of the armed forces of  
25 the United States and who has an ownership interest in  
26 property taxed under this Act is called to active duty for  
27 deployment outside the continental United States and is on  
28 active duty on the due date of any installment of taxes due  
29 under this Act, he or she shall not be deemed delinquent in  
30 the payment of the installment and no interest shall accrue  
31 or be charged as a penalty on the installment until one year  
32 30--days after that member returns to civilian status. To be  
33 deemed not delinquent in the payment of an installment of  
34 taxes and any interest on that installment, the reservist or

1 guardsperson must notify the county clerk within 30 days  
2 after his or her deactivation and provide verification of the  
3 date of his or her deactivation. An installment of property  
4 taxes on the property of any reservist or guardsperson who  
5 fails to provide timely notice and verification of  
6 deactivation to the county clerk is subject to interest and  
7 penalties as delinquent taxes under this Code from the date  
8 of deactivation.

9 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."